

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
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SPECIAL CIVIL APPLICATION No 3909 of 1997

with

SPECIAL CIVIL APPLICATION No 4610 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

GHANSHYAMBHAI BABUBHAI

Versus

NADIAD MUNICIPALITY

Appearance:

1. Special Civil Application No. 3909 of 1997
MR YN RAVANI for Petitioners
MR YV SHAH for Respondent No. 1
2. Special Civil ApplicationNo 4610 of 1997
MR YN RAVANI for Petitioners
MR YV SHAH for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 05/08/97

COMMON ORAL JUDGEMENT

The respondent - Nadiad Municipality does not dispute or contest the factual position that employees junior to the present petitioners are continuing in service. In view of this factually undisputed position it is clear that the retrenchment of the petitioners, while retaining their juniors, is contrary to the settled principle of first-cum-last go or last-cum-first go and there is violation of S.25G of the Industrial Disputes Act, apart from the case of the discrimination under the Constitution. These Special Civil Applications, therefore, deserve to be allowed on this short ground alone. Accordingly the impugned termination orders dated 7.5.97, Annexure 'A' in both the Petitions, passed by the Nadiad Municipality are hereby quashed and set aside, to follow all legal consequences. It will be open for the respondent - Municipality to pass orders in accordance with law. These Special Civil Applications are hereby allowed and the Rule is made absolute, in the terms as aforesaid, in both these Petitions. No order as to costs.